

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

RAYMOND HALWIX,

Plaintiff

V.

COMMISSIONER OF SOCIAL SECURITY,

Defendant

Case No.: 2:17-cv-02263-APG-CWH

## Order Accepting Report and Recommendation

[ECF Nos. 17, 20, 30]

On June 28, 2019, Magistrate Judge Hoffman recommended that Robert William Halwix, the plaintiff's adult surviving child, be designated as the real party in interest following plaintiff Raymond Halwix's death while this case was pending. ECF No. 30. Judge Hoffman also recommended that the plaintiff's motion to remand be denied and the Commissioner's motion to affirm be granted. *Id.* Halwix did not file an objection. Thus, I am not obligated to conduct a de novo review of the report and recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts to "make a de novo determination of those portions of the report or specified proposed findings to which objection is made"); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) ("the district judge must review the magistrate judge's findings and recommendations de novo *if objection is made*, but not otherwise" (emphasis in original)).

IT IS THEREFORE ORDERED that Magistrate Judge Hoffman's report and recommendation (**ECF No. 30**) is accepted; Robert William Halwix, the plaintiff's adult surviving child, is designated as the real party in interest; plaintiff's motion to remand (**ECF No. 17**) is **DENIED**, and the defendant's motion to affirm (**ECF No. 20**) is **GRANTED**. The clerk of court is instructed to enter judgment in favor of the defendant and against the plaintiff.

DATED this 18th day of July, 2019.

ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE